

ENTERED

October 25, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

R. WAYNE JOHNSON,

Plaintiff,

v.

JANA WHATLEY, JOEL B. JOHNSON;
CHARLES ELDRED,

Defendants.

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Civil Action No. 2:02-CV-00107

ORDER ACCEPTING MEMORANDUM AND RECOMMENDATION

Before the Court is the May 7, 2021 Memorandum and Recommendation (“M&R”) signed by Magistrate Judge Julie K. Hampton. (Dkt. No. 30). Magistrate Judge Hampton recommends that the Court deny *pro se* Plaintiff R. Wayne Johnson’s Motion to Vacate, which was construed as a motion for relief from judgment. (Dkt. No. 29). This is the second time Johnson has filed a motion for relief from judgment in this case. (Dkt. No. 30 at 1).

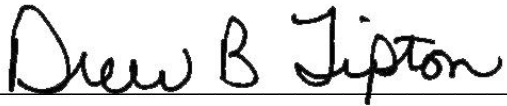
The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed objections. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005).

No plain error appears. Accordingly, the Court **ACCEPTS** the M&R as the Court’s Memorandum Opinion and Order. The Court **DENIES** Johnson’s motion for relief from judgment. (Dkt. No. 29).

Johnson is instructed that should he wish to seek further relief from these Orders, he should do so with the United States Court of Appeals for the Fifth Circuit. To the extent Johnson files anything that relates to requesting relief from the judgment in this case, the Court will instruct the Clerk to automatically return those filings to Johnson without docketing.

It is SO ORDERED.

Signed on October 25, 2021.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE